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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/029,807      05/29/98      BLATTER

H      RCA88391

EXAMINER

LM02/0901

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ART UNIT

PAPER NUMBER

2712

DATE MAILED:

09/01/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/029,807

Applicant(s)  
Blatter et al

Examiner  
HUY NGUYEN

Group Art Unit  
2712



☒ Responsive to communication(s) filed on Jul 21, 1991

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) 4-10 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Election/Restriction*

1. Applicant's election without traverse of claims 1-3 in Paper No. 7 filed Jul 21, 1999 is acknowledged.
2. Claims 4-10 withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention. Election was made **without** traverse in Paper No. 7.

### *Claim Rejections - 35 U.S.C. § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (5,729,651) in view of Suetaka .

Matsumoto disclose a recording apparatus(Fig. 1A)(column 2, lines 40-68) comprising :  
a transducer ( reading head) for reproducing a video representative digital signal ( Fig.  
(Fig. 1B) from a recording medium;  
a replay electronic (2) for processing a video signal to produce an output bit stream;

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a decoder (3) for decoding the video signal; and  
a generator (10) for generating the character (column 3, lines 25-55); and  
a inserter (4) for inserting the character into the decoded the video signal (column 3, lines 43-55).

Matsumoto fails to teach that the character including the status message .

Suetaka discloses a apparatus (Fig. 1) comprising means for generating message under controlling by the user and means for inserting the message into a video signal (See Abstract).

It would have been obvious to one of ordinary skill in the art to modify Matsumoto with Suetaka by using means for generating status message a taught by Suetaka in the apparatus of Matsumoto for generating the status message of the apparatus and inserting the message of the decoded video signal in order to provide more convenience to in selecting the message in the video.

Regarding claims 2 and 3, Matsumoto as modified with Suetaka further teach that the status message indicting apparatus specific message or data since the message is input by the user.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hong and Stearns et al discloses apparatus for generating status message.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Nguyen whose telephone number is (703) 305-4775. The examiner can normally be reached on Monday to Friday from 6:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).**

H.N

August 28, 1999

  
HUYNGUYEN  
PRIMARY EXAMINER